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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/880,827

06/14/2001

Albert T. Chow

1999-0322

6589

28317

7590

02/25/2005

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EXAMINER

WONG, BLANCHE

ART UNIT

PAPER NUMBER

2667

DATE MAILED: 02/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/880,827		CHOW ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Blanche Wong		2667	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 June 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 42 is/are allowed.
- 6) ☒ Claim(s) 1,2,4,8,9,14,15,19,20,33-35,38-41 and 43-45 is/are rejected.
- 7) ☒ Claim(s) 3,5-7,10-13,16-18,21-32,36-37 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>Nov24'03</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the IBAP (which includes an AP and MTA, as recited in cl. 45) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

2. The abstract of the disclosure is objected to because it uses the same wording as in application 09/881,111. Because the scopes of the other application and this application are different, the abstract should reflect the differences. Correction is required. See MPEP § 608.01(b).

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 38-41,43-44 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regard to claim 38, it is unclear whether -- said wireless radio -- in ln. 5 and 6 is the same radio as -- a wideband radio -- in ln. 3. Furthermore, it is unclear whether -- said quad digital upconverter and said quad digital downconverter -- in ln. 9-10 are the same quad upconverter and quad downconverter in ln. 7 and 8 respectively.

With regard to claim 43, it is unclear whether -- said wireless radio -- in ln. 7 and 8 is the same radio as -- a wideband radio -- in ln. 5. Furthermore, it is unclear whether -- said quad digital upconverter and said quad digital downconverter -- in ln. 11-12 are the same quad upconverter and quad downconverter in ln. 9 and 10 respectively.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claim 45 is rejected under 35 U.S.C. 102(e) as being anticipated by Bossemeyer, Jr. et al. (U.S. Pat No. 6,335,936).

Bossemeyer discloses a subscriber location 622 (access point) and NID 624 (Media Terminal Adapter) together (Intelligent Broadband Access Point). Fig. 20

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1,2,4,8,9,14,15,19,20,33,34,35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerszberg et al. (U.S. Pat No. 6,424,646).

With regard to claim 1, Gerszberg discloses a MDF (Main Distribution Frame) (col. 3, ln. 4) (Media Terminal Adapter) that is coupled to an ISD (Intelligent Services

Art Unit: 2667

Director) (col. 3, ln. 1) (access port), communicates with each other using DSL technology (col. 3, ln. 9) (broadband transport network), and interconnects with a high speed backbone network (col. 3, ln. 16-17 and ln. 33-34) (broadband packet network). Second, Gerszberg discloses the ISD interconnecting to various devices such as a videophone, digital phones, set-top devices, computers, and/or other devices (col. 3, ln. 48-50) (RBN devices) Lastly, Gerszberg discloses a network server platform (col. 3, ln. 37-46; see also Fig. 1, connection management, OAM&P) (NSP). However, Gerszberg fails to explicitly show wireless RBN devices.

A person of ordinary skill in the art would have been motivated to employ a cordless or wireless phone in place of the phone 15, Fig. 1, in order to obtain cordless or wireless mobility. (See also cordless interface 123 in Fig. 2, col. 4, ln. 45-46). The cordless or wireless phone is a wireless RBDN device. The suggestion/motivation to do so would have been to provide for a distribution network with wireless capability. At the time the invention was made, therefore, it would have been obvious to one of ordinary skills in the art to which the invention pertains to use cordless or wireless phone to obtain the invention as specified in claim 1.

With regard to claim 2, Gerszberg discloses the architecture of claim 1. However, Gerzsberg fails to explicitly show that an architecture that supports interworking among wireless devices within the local RBN environment.

A person of ordinary skill in the art would have been motivated to employ a cordless or wireless phone in place of the phone 15, Fig. 1, in order to obtain cordless

Art Unit: 2667

or wireless mobility. (See also cordless interface 123 in Fig. 2, col. 4, ln. 45-46). The cordless or wireless phone is a wireless device within the local RBN environment. The suggestion/motivation to do so would have been to provide for a distribution network with wireless capability. At the time the invention was made, therefore, it would have been obvious to one of ordinary skills in the art to which the invention pertains to use cordless or wireless phone to obtain the invention as specified in claim 2.

With regard to claims 4,8,19,20,33 Gerszberg further discloses home/business (col. 4, ln. 19-20) (home/residence, SOHO, business).

With regard to claim 9, Gerszberg further discloses twisted-pair wire, hybrid fiber interconnection (col. 3, ln. 2) (hybrid fiber coaxial cable).

With regard to claim 14, Gerszberg further discloses gateway (col. 3, ln. 46).

With regard to claim 15, Gerszberg further discloses the NSP handling call and data routing functions (participates in call processing) distributing operating system functions (controls access to network resources) (col. 7, ln. 34-35).

With regard to claim 34, Gerszberg further discloses a 900 MHz transceiver (standardized air interface) (col. 4, ln. 46).

With regard to claim 35, Gerszberg further discloses devices for monitoring home security and meter reading devices (a short message process is adapted to support home control service aspects) (col. 4, ln. 6-7).

***Allowable Subject Matter***

9. Claim 42 is allowed.
10. Claims 3,5-7,10-13,16-18,21-32,36-37 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

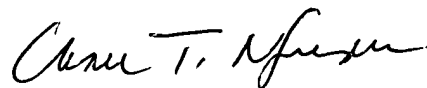
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blanche Wong whose telephone number is 571-272-3177. The examiner can normally be reached on Monday through Friday, 830am to 530pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi H Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*RW*

BW  
February 14, 2005



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